

STATE OF MARYLAND. BALTIMORE COUNTY TO WIT:

The Jurors of the State of Maryland, for the body of Baltimore County, do on their oath present that ROY ALLEN GUTZKE

late of Baltimore County,
aforesaid, ~~on~~ between the 1st day of September, 1985 and the 5th day of September in the year of our Lord nineteen hundred and eighty-six at Baltimore County, aforesaid, a parent, adoptive parent or other person who has the permanent or temporary care or custody or responsibility for the supervision of Keely Braswell, a minor child under the age of eighteen years, did unlawfully cause abuse to said Keely Braswell contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

(Child Abuse - Art. 27, Sec. 35A)

SECOND COUNT

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said ROY ALLEN GUTZKE on the said day, in the said year, in the County aforesaid, unlawfully did make an assault upon Keely Braswell against the peace, government and dignity of the State.

(Assault - common law)

(B)

STATE OF MARYLAND

VS

The Jurors of the State of Maryland, for the body of Baltimore

County, do on their oath present that

late of Baltimore County,

between the 1st day of September, 1985 and

at Baltimore

County, aforesaid, a parent, adoptive parent or other person who

has the permanent or temporary care or custody or responsibility

for the supervision of

a minor child under the age of years, did unlawfully cause

Indictment
TRUE BILL

abuse to said

Foreman

contrary to the form of the Act of Assembly in such case made and

FILED

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provided, and against the peace, government and dignity of the

WITNESSES:

State.

(Child Abuse - Art. 27, Sec. 35A)

SECOND COUNT

And the Jurors aforesaid, upon their oath aforesaid, do further

present that the said

ROY ALLEN GUTKNE

on the said day, in the said year, in the County aforesaid, unlawfully

did make an assault upon

Keely Braswell

against the peace, government and dignity of the State.

(Assault - common law)



CHARGE:

The State's Attorney for Baltimore County

THIRD COUNT

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said ROY ALLEN GUTZKE on the said day, in the said year, in the County aforesaid, unlawfully did batter the said Keely Braswell, against the peace, government and dignity of the State.

(Battery - common law)

FOURTH COUNT

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said ROY ALLEN GUTZKE on the said day, in the said year, in the County aforesaid, did unlawfully commit a rape upon Keely Braswell in violation of Art. 27, Sec. 463 of the Annotated code of Maryland; contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

(Rape - 2nd degree - Art. 27, Sec. 463]

FIFTH COUNT

And the Jurors aforesaid, upon their oath aforesaid, do further present that the said ROY ALLEN GUTZKE on the said day, in the said year, in the County aforesaid, did unlawfully commit a sexual offense upon Keely Braswell in violation of Art. 27, Sec. 464C, of the Annotated Code of Maryland; contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

(Sexual offense - 4th degree - Art. 27, Sec. 464C]

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. You have the right to have a lawyer.
4. A lawyer can be helpful to you by:
 - (A) explaining the charges in this paper;
 - (B) telling you the possible penalties;
 - (C) helping you at trial;
 - (D) helping you protect your constitutional rights; and
 - (E) helping you to get a fair penalty if convicted.
5. Even if you plan to plead guilty, a lawyer can be helpful.
6. If you want a lawyer but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender.
7. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
8. DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may have to go to trial without one.

Sandra A O'Connor by Barbara R Jones
The State's Attorney for Baltimore County

STATE OF MARYLAND

VS

ROY ALLEN GUTZKE (Bail by Paul & Robin Anne Farace, 1102 Hart Rd., 21204]
BCI 141617
dob 7/13/37
1313 Warwick Drive, Timonium, Md., 21093

86CR-5373

Indictment
TRUE BILL

FILED

Foreman

,19 86

WITNESSES:

Keely Braswell
1313 Warwick Drive, Timonium, Md., 21093
Diana Braswell
1313 Warwick Drive, Timonium, Md., 21093
Det, Burleson #2507
Youth Division
Off. P. A. O'Connor #3013
pC# 7
Dr. Breitenecker
Greater Baltimore Medical Center
6701 N. Charles Street, 21204

FILED SEP 29 1986

CHARGE: CHILD ABUSE, ETC.

E911-612

631042C6

STATE OF MARYLAND

V.

ROY ALLEN GUTZKE

* * * * *

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*
*

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

STATE'S AUTOMATIC DISCOVERY
AND REQUEST FOR DISCOVERY

Now comes Sandra A. O'Connor, State's Attorney for Baltimore County, and Barbara R. Jung, Assistant State's Attorney, and in compliance with Rule 4-263(a) of the Maryland Rules of Procedure, say the following:

1. Any information known to the State at this time which tends to negate the guilt of the Defendant as to the offense charged or which tends to reduce his punishment therefore is attached hereto. If no such attachment is included, no such information is known to the State at this time.

2. Any relevant material or information regarding whether the State used a search and seizure, wire tape or eavesdrop in gathering evidence in this case is attached hereto.

3. ☐ The Defendant made no statements or confessions, oral or written, which are known to the State at the present time.

☐ The Defendant made a written statement or confession, the copy of which is attached hereto.

☒ The Defendant made an oral statement or confession, the substance of which is as follows: (Defendant's copy only)

See Attached

4. ☒ The Defendant has not, at this time, been identified by a pre-trial identification procedure.

☐ The Defendant was identified (at lineup/by photograph/
other _____) by the following witnesses:

(Name)

(Date)

5. Upon notice to the State, the Defendant may inspect the contents of the State's file in this case, excluding those items otherwise privileged by law.

The State requests that the following discovery be provided by the Defendant in accordance with Rule 4-263(d):

1. That the State be allowed to inspect and copy all written reports made in connection with this case by each expert which the Defendant intends to call as a witness at trial and that the Defendant furnish the State with the substance of any oral report and conclusion made in connection with this case by an expert the Defendant intends to use at trial.

2. That the Defendant furnish the State with the name and address of any alibi witness the Defendant intends to call as a witness. The crime occurred between 9/1/85 and 9/5/86 at unknown hours at 1313 Warwick Drive Timonium, Md. 21093, Baltimore County Maryland.

3. Upon request of the State, the defendant shall:

- (a) Appear in a line-up for identification;
- (b) Speak for identification;
- (c) Be fingerprinted;
- (d) Pose for photographs not involving reenactment of a scene;
- (e) Try on articles of clothing;
- (f) Permit the taking of specimens of material under his fingernails;
- (g) Permit the taking from his body of samples of blood, hair and other material involving no unreasonable intrusion upon his person;
- (h) Provide specimens of his handwriting;
- (i) Submit to reasonable physical or mental examination;

as provided for in Rule 4-263(d).

Sandra A O'Connor/BRJ
SANDRA A. O'CONNOR
State's Attorney for Baltimore County

Barbara R. Jung
BARBARA R. JUNG
Assistant State's Attorney

I HEREBY CERTIFY that a copy of this foregoing State's Automatic Discovery and Request for Discovery was attached to the above indictment when delivered to the Defendant.

Barbara R Jung
BARBARA R. JUNG
Assistant State's Attorney

STATE OF MARYLAND

vs.

ROY GUTZKE

— IN THE —
CIRCUIT COURT FOR BALTIMORE
COUNTY

CRIMINAL

DOCKET

FOLIO

NO. 86CR 5373

MR. CLERK:

Please enter my appearance for the Defendant(s) in the above entitled case.

ATTORNEY'S NAME:

CRAIG GARFIELD

ADDRESS:

4143 PATTERSON AVE 21215

TELEPHONE NO.:

358-0766

ZIP:

21215

I HEREBY CERTIFY that a copy of the foregoing was mailed this _____ day of _____, 19____, to _____ State's Attorney for Baltimore County, Towson Court House, Towson, Maryland 21204.

Mail Original and Yellow copy to Clerk's office.

Mail Pink copy to State's Attorneys office.

Retain Green copy.

Craig L. Garfield
ATTORNEY FOR DEFENDANT

FILED OCT 1 1986



DISTRICT COURT OF MARYLAND FOR

BALTIMORE

City/County

Located at 111 ALLEGHENY AVE. 21204

Court Address

TR ☒ CR Case No. 631042CG

STATE OF MARYLAND

VS

GUTZKE, ROY ALLEN 7-13-37

Defendant

DOB

Charge: CHILD ABUSE / RAPE 2ND DEGREE

1313 WARWICK DRIVE

Address

Hearing or Trial Date 10-2-86 1:15 PM, TOWSON

TIMONIUM, Md.

21093 583-8393

Telephone

General Power No.

E-911612

BAIL BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That I/we, the undersigned, jointly and severally acknowledge that I/we, our personal representatives, successors, and assigns are held and firmly bound unto the State of Maryland in the penalty sum of

Dollars (\$10,000 ~~000~~)

- ☐ without collateral security;
- ☐ with collateral security equal in value to the greater of \$25.00 or% of the penalty sum;
- ☐ with collateral security equal in value to the full penalty amount;
- ☐ with the obligation of the corporation.....which is an insurer or other Surety in the full penalty amount.

To secure payment the ☐ Defendant ☐ Surety has

- ☐ deposited ☐ in cash or ☐ by certified check the amount of \$.....
- ☐ pledged the following intangible personal property:

☐ encumbered the real estate described in the ☐ Declaration of Trust filed herewith; ☐ in a Deed of Trust dated the day of, 19.... from the undersigned Surety to....., to the use of the State of Maryland.

THE CONDITION OF THIS BOND IS that the Defendant personally appear, as required, in any court in which the charges are pending, or in which a charging document may be filed based on the same acts or transactions, or to which the action may be transferred, removed, or, if from the District Court, appealed.

IF, however, the Defendant fails to perform the foregoing condition, this bond shall be forfeited forthwith for payment of the above penalty sum in accordance with law.

IT IS AGREED AND UNDERSTOOD that this bond shall continue in full force and effect until discharged pursuant of Rule 4-217.

AND the undersigned Surety covenants that the only compensation chargeable in connection with the execution of this Bond consisted of a ☐ fee, ☐ premium, ☐ service charge for the loan of money, or ☐ other (describe)..... in the amount of \$.....

AND the undersigned Surety covenants that no collateral was or will be deposited, pledged, or encumbered directly or indirectly in favor of the Surety in connection with the execution of this bond except:.....

IN WITNESS WHEREOF, these presents have been executed under seal this day of, 19....

X *[Signature]* (SEAL)

Defendant

X *[Signature]* (SEAL)

Personal Surety

X *[Signature]* (SEAL)

Surety-Insurer

By: (SEAL)

Bail Bondsman

SIGNED, sealed, and acknowledged before me:

SEPTEMBER 12, 1986

FILED OCT 3 1986

X 1313 WARWICK 21093 (SEAL)

Address of Defendant

1102 Hart Rd. Towson Md. 21204

Address of Surety

1102 HART RD TOWSON 21204

Address of Surety-Insurer

Power of Attorney No.

[Signature] 8026

Commissioner/Clerk/Judge of the Court
for BALTIMORE County/City



DISTRICT COURT OF MARYLAND FOR

Located at 111 ALLEGHENY AVE. 21204

STATE OF MARYLAND VS. GUTZKE, ROY ALLEN

Charge: CHILD ABUSE / Rape 2nd Degree

IMPORTANT NOTICE TO SURETY POSTING BOND

BAIL BOND

YOUR OBLIGATION ON POSTING BOND

You have pledged bond for the release of another person. This makes you responsible for seeing that the Defendant appears in Court at the time and place specified on the Bond.

DISCHARGE OF BOND BY SURRENDERING DEFENDANT

If you believe that the Defendant may not appear or if he is planning to leave the State of Maryland, you may surrender him and any fee received for the bond to a commissioner at any time before forfeiture and be relieved of the obligation.

YOUR LOSS IF DEFENDANT DOES NOT APPEAR FOR TRIAL

Failure of the Defendant to appear will result in the forfeiture of the bond. The forfeiture may be satisfied by payment of the full amount of the bond or by producing the Defendant within 90 days of the forfeiture. You may request a judge to grant an extension up to 180 days for the satisfaction of the bond. If the Defendant is produced within the required time you must petition the Court to enter the forfeiture satisfied. The Court may require that the expenses of the state in producing the Defendant be paid. Failure to pay the forfeiture will result in the entry of a judgment against you, and could result in the seizure and sale of your house, car or other personal property to satisfy the judgment.

RETURN OF BOND AFTER DEFENDANT APPEARS FOR TRIAL

If you have posted cash bond and the Defendant has been placed on probation before judgment, found not guilty, or the charges were dismissed, nol prossed or stetted, the amount refunded to you will be returned by check.

If an appeal is filed, the bond will continue in effect until trial in the higher court. However, the bond may be immediately released if the Defendant personally appears to sign a release of the bond and a statement that he understands that a new bond must be posted if he does file an appeal. This release can be signed only by the Defendant in the presence of a Court official. The refund will then be made to you by check.

IN WITNESS WHEREOF, these presents have been executed under seal this 12th day of September 1980

1102 HART RD TOWSON MD 21204

Power of Attorney No. 8005

FILED OCT 3 1980

SEPTEMBER 12 1980

DISTRICT COURT OF MARYLAND FOR BALTIMORELocated at Case No. 631042CG

Court Address

STATE OF MARYLAND

VS

GUTZKE, ROY ALLEN
DefendantDECLARATION OF TRUST OF REAL ESTATE
TO SECURE PERFORMANCE OF A BAIL BOND

STATE OF MARYLAND,

The undersigned ☐ Defendant, ☒ Surety, FARACE, PAUL & ROBIN ANNE
of 1102 HART ROAD BALTIMORE, MARYLAND 21204
in order to secure the performance of the bail bond annexed hereto, being first sworn (or, if Surety is a corporation, its undersigned officer being first sworn), acknowledges and declares under oath as follows:

That the undersigned is the sole owner of ☒ a fee simple absolute, or
☐ a leasehold subject to an annual ground rent of \$....., in certain land and
premises situate in 1102 HART ROAD BALTIMORE, 21204 Maryland,
and described as PRO. # 09-02-650140 5.47 AC. NS HART ROAD.....
Insert lot, block, subdivision or other description

that the undersigned is competent to execute a conveyance of said land and premises and that the undersigned hereby holds the same in trust to the use and subject to the demand of the State of Maryland as collateral security for the performance of that bond.

That said property is assessed for \$ 37,600 x 2 = \$ 75,200 from which the following incumbrances should be deducted:

Ground rent capitalized at 6%	\$ <u>-0-</u>	
Mortgages/Deeds of Trust totalling	\$ <u>38,000</u>	
Federal/State Tax Liens	\$ <u>-0-</u>	
Mechanics Liens	\$ <u>-0-</u>	
Judgment & Other Liens	\$ <u>-0-</u>	
Other outstanding Bail Bonds	\$ <u>-0-</u>	
Total Incumbrances	\$ <u>38,000</u>	\$ <u>38,000</u>
		\$ <u>37,200</u>

and that the present net equity in the property is

That if the undersigned is a body corporate, this Declaration of Trust is its act and deed and that its undersigned officer is fully authorized to execute this Declaration of Trust on its behalf.

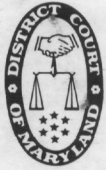
AND the undersigned further declares, covenants and undertakes not to sell, transfer, convey, assign, or incur, the land and premises or any interest therein, so long as the bail bond hereby secured remains undischarged and in full force and effect, without the consent of the court in which the bail bond is filed, it being understood that upon discharge of the bail bond, the clerk of the court will execute a release in writing endorsed on the foot of this document (or by a separate Deed of Release), which may be recorded in the same manner and with like effect of a release of mortgage if this Declaration of Trust is recorded among the Land Records.

Paul Farace (SEAL)
Defendant
Robin Anne Farace (SEAL)
Surety

By.....

SWORN to, signed, sealed and acknowledged before me, this 12 day of SEPTEMBER, 19 86

Joseph Dobb 8026
Commissioner/Clerk/Judge
of the District Court of Maryland for.....
BALTIMORE County/city



DISTRICT COURT OF MARYLAND FOR BALTIMORE

Located at 111 ALLEGHENY AVE. 21204 City/County Case No. 63104206

STATE OF MARYLAND

VS

GUTZKE, ROY ALLEN 7-13-37

I.D. Defendant DOB

RELEASE FROM COMMITMENT

TO: Sheriff of Baltimore County

☒ YOU ARE HEREBY COMMANDED to release the above-named defendant.

☐ Bail Review was held and defendant is released on his/her recognizance.

☒ Bond in the amount of \$10,000 was posted by PAUL FARACE ROBIN ANNE FARACE

☐ Preliminary hearing was held and charge(s) were dismissed.

☐ Trial was held in the District Court and no further commitment was imposed. Disposition

☐ Defendant having been committed in default of payment of fine of , the fine and cost have now been paid.

SEPTEMBER 12, 1986

Date

Joseph Dobb 8026

Clerk/Judge/Commissioner



DISTRICT COURT OF MARYLAND FOR BALTIMORE

Located at

111 ALLEGHENY AVE. 21204

Court Address

Case No.

City/County

63104206

STATE OF MARYLAND

VS

GUTZKE, ROY ALLEN

7-13-37

Defendant

DOB

I.D.

E-911612

RELEASE FROM COMMITMENT

TO: Sheriff of Baltimore County

☒ YOU ARE HEREBY COMMANDED to release the above-named defendant.

☐ Bail Review was held and defendant is released on his/her recognizance.

☒ Bond in the amount of \$ 10,000 ~~xxx~~ was posted by

PAUL FARACE
ROBIN ANNE FARACE

☐ Preliminary hearing was held and charge(s) were dismissed.

☐ Trial was held in the District Court and no further commitment was imposed. Disposition

☐ Defendant having been committed in default of payment of fine of

the fine and cost have now been paid.

SEPTEMBER 12, 1986

Date

Joseph Dobl 8026

Clerk/Judge/Commissioner

OFFICE OF FINANCE
REVENUE DIVISION
TOWSON, MD. 21204

BALTIMORE COUNTY, MARYLAND
STATE AND COUNTY REAL PROPERTY TAXES

**TAXPAYER'S COPY
DETACH AND RETAIN**

LEVY PERIOD

BILL DATE

JULY 1, 1986-JUNE 30, 1987

07/01/86

METROPOLITAN CHARGES

SEWER BENEFIT
SEWER SERVICE
WATER BENEFIT
WATER DISTRIBUTION

262.00
31.25

COUNTY TAX
STATE TAX
METROPOLITAN DISTRICT CHARGES

ASSESSMENT
37,600
37,600
RATE PER \$100
2.855
.21

CHARGES
1,073.48
78.96
293.25

TOTAL METROPOLITAN

293.25

PROPERTY NUMBER, OWNER'S NAME, ADDRESS

05-02-650140 87 1
FARACE, PAUL
FARACE, ROBIN A
1102 HART RD
BALTIMORE MD 21204

GROSS BILL

1,445.69

BOOK FOLIO

COUNTY
DISCOUNT

INTEREST

TOTAL AFTER
DISCOUNT
OR INTEREST

LOT BLOCK SEC PLAT

5.47 AC NS
HART RD
HART RD

SEE BACK OF BILL AND BROCHURE
FOR OTHER IMPORTANT INFORMATION

**MARYLAND
DRIVER'S LICENSE**

IDENTIFICATION NO.
F-620-676-792-949

CONTROL NO.
4603922

SEX
M

AGE
160

EXPIRES
5-08

BIRTH DATE
12-14-87

SIGNATURE
Paul T. Farace

PAUL THOMAS FARACE
1102 HART RD
BALTIMORE MD 21204 BA

**MARYLAND
DRIVER'S LICENSE**

IDENTIFICATION NO.
F-620-794-047-853

CONTROL NO.
5169839

SEX
F

AGE
120

EXPIRES
5-09

BIRTH DATE
11-06-88

SIGNATURE
Robin Anne Farace

ROBIN ANNE FARACE
1102 HART RD
TOWSON MD 21204 BA



DISTRICT COURT OF MARYLAND FOR

Located at

111 Allegany Ave

Court Address

STATE OF MARYLAND

VS

Defendant

Address

Roy A Gutzke
#1 Apt H Ridgedale Rd
Cockeysville, MD 21093

Telephone

COMMITMENT PENDING HEARING

E 9/11/12

TO:

BOLD CO Shays

YOU ARE HEREBY COMMANDED to receive from any officer the body of the above-named Defendant who is charged with the offense(s) of

Child Abuse
RAPE 2nd Degree

- ☒ In default of \$10,000 bail (.10% acceptable).
- ☐ Bail review was held by Judge.....and Defendant is committed in default of \$.....bail (.....% acceptable).
- ☐ Having been surrendered by bondsman, bond of \$.....to continue.

YOU ARE FURTHER COMMANDED to:

- ☐ Transfer the Defendant to the jail or detention center in.....county/city. If the Defendant has not been transferred prior to the next session of court, he is to be brought before the court in your county for bail review.
- ☐ Produce the Defendant:
☐ for further review before a judicial officer of the District Court for.....county/city located at.....Maryland, within 30 60* days if before that time the Defendant has not posted the bail or been arrested on a warrant of the Governor of Maryland on a requisition of the executive authority of the State of.....

☒ for court appearance as follows:

Court.....
Location.....
Date.....
Time.....
Purpose.....
☐ Bail Review
☒ Preliminary Hearing/Inquiry
☐ Trial
☐ Other (describe)

10-2-16 @ 1:15 PM
TOWSON

9-12-88

Date

[Signature]

Clerk/Judge/Commissioner

I.D.

*Applies to second commitment only

PC-07



DISTRICT COURT OF MARYLAND FOR.....

Located at 111 N. High Ave. ☒ TR ☐ CR Case No. 631042CL

Court Address

City/County

STATE OF MARYLAND

VS

Defendant

Address

INITIAL APPEARANCE REPORT (Rule 4-213)

I hereby certify that when the above named Defendant was brought before me for his initial appearance, I:

- ☒ INFORMED the Defendant of each offense with which he is charged and of the allowable penalties, including mandatory penalties, if any.
- ☒ DETERMINED that Defendant has been provided with a copy of the charging document.
- ☒ PROVIDED the Defendant with a copy of the charging document.
- ☐ ADVISED Defendant that copy of Charging Document is not available, but will be provided within 24 hours.
- ☐ FURNISHED to the Defendant a copy of the Notice to Defendant printed on the charging document since no charging document was available.
- ☒ ADVISED Defendant of right to counsel. Defendant desires ☐ to proceed without counsel ☐ to employ his own counsel ☐ counsel, but is indigent ☐ to decide later.
- ☒ REQUIRED the Defendant to read the Notice to Defendant printed on charging documents.
- ☒ READ to the Defendant the Notice to Defendant printed on charging document.
- ☒ ADVISED the Defendant that if he appears for trial without a lawyer, the Court could determine that he has waived his right to counsel and could proceed to trial.
- ☒ ADVISED Defendant that he is charged with a felony that is not within the jurisdiction of the District Court; that he has a right to have a preliminary hearing by a request made now or within ten days; that failure to make a timely request will result in a waiver.
- ☒ Defendant requests preliminary hearing. ☐ Clerk will notify him of date. ☐ It is scheduled for 10-2-86 11:15
- ☐ Defendant waives preliminary hearing ☐ Defendant defers election.

Pretrial Release Determination (Rule 4-216)

On the basis of information available to and developed by me I HAVE DETERMINED:

- ☐ That Defendant ☐ is ☐ is not eligible for release under Art. 27, Sec. 616 1/2 ☐ Art. 27, Sec. 638 B of the Maryland Code.
- ☐ That Defendant may be released on his personal recognizance because:
- ☐ He is not charged with an offense for which the maximum penalty is death or life imprisonment.
- ☐ It will reasonably assure his appearance.
- ☐ There is a lack of probable cause to believe that the Defendant committed the offense.
- ☐ All the charges against the Defendant are nonjailable offenses.
- ☐ That release on personal recognizance will not reasonably ensure the appearance of the defendant as required because.....

I imposed the following conditions to ensure his appearance:

- ☐ committed him to custody of..... who agree to supervise him and assist in ensuring his appearance in court.
- ☐ placed him under the supervision of..... Probation or Public Officer
- ☐ subjected him to restrictions..... travel, association, residence

- ☐ required a bail bond in the amount of \$ 10,000, on the following condition:
- ☐ without collateral security.
- ☐ with collateral security equal in value ☐ to the full penalty amount, ☐ to \$25.00, ☐ to % of the full penalty amount, to be satisfied by depositing the required amount in cash or certified check, or the pledging of intangible property approved by the Court.
- ☐ with collateral security equal in value to the full penalty amount to be satisfied by encumbering real estate.
- ☐ with the obligation of a corporation which is an insurer or other surety in the full penalty amount.

☒ Informed the Defendant that a warrant for his arrest will be issued if he violates the conditions of release and informed him that if the recognizance or bail bond is forfeited and he willfully fails to surrender himself within 30 days following the forfeiture, he may be charged and fined not more than \$5,000 or imprisoned for not more than 5 years or both, if given in connection with a charge of felony; or charged and fined not more than \$1,000 or imprisoned not more than 1 year or both, if given in connection with a misdemeanor charge.

- ☒ Informed the Defendant that he must notify the Court in writing of any change of address or telephone number.

Date

Time

Judicial Officer

Receipt

I have ☐ read ☒ had read to me the offense with which I am charged, the conditions of release, the penalty for violation of the conditions of release, the Notice of Advice of Right to Counsel, and a copy hereof. I have been informed that the trial date/preliminary inquiry/preliminary hearing date is 10-2-86 11:15 AM at Tolson Court.

or that I will be advised of the date by the clerk. I agree to the conditions of release and agree to appear as directed.

Date

Custodian

Signature of Defendant

(This form replaces CR 706.)



DISTRICT COURT OF MARYLAND FOR

4-216:

Located at 111 W. Light St. A-STR 111 W. Light St. A-STR 111 W. Light St. A-STR

STATE OF MARYLAND

VS

In determining which conditions of release will reasonably ensure the appearance of the Defendant as required, the judicial officer, on the basis of information available or developed in a pretrial release inquiry may take into account

- (1) The nature and circumstances of the offense charged, the nature of the evidence against the Defendant, and the potential sentence upon conviction, insofar as these factors are relevant to the risk of non appearance.
- (2) The Defendant's prior record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.
- (3) The Defendant's family ties, employment status and history, financial resources, reputation, character and mental condition, length of residence in the community and length of residence in this State.
- (4) The recommendation of an agency which conducts pretrial release investigations.
- (5) The recommendation of the State's Attorney.
- (6) Information presented by Defendant's counsel.
- (7) The danger of the Defendant to himself or herself and others.
- (8) Any other factor including prior convictions, bearing on the risk of a willful failure to appear.

I imposed the following conditions to ensure his appearance:

- ☐ committed him to custody of _____
- ☐ ensuring his appearance in court.
- ☐ placed him under the supervision of _____
- ☐ subjected him to restrictions _____

_____ required a bail bond in the amount of \$ _____

- ☐ without collateral security.
- ☐ with collateral security equal in value _____ to the full penalty amount.
- ☐ to be satisfied by depositing the required amount in cash or certified check, or the pledging of intangible property approved by the Court.
- ☐ with collateral security equal in value to the full penalty amount to be satisfied by encumbering real estate.
- ☐ with the obligation of a corporation which is an insurer or other surety in the full penalty amount.

I informed the Defendant that a warrant for his arrest will be issued if he violates the conditions of release and informed him that if the recognizance or bail bond is forfeited and he willfully fails to surrender himself within 30 days following the forfeiture, he may be charged and fined not more than \$2,000 or imprisoned for not more than 2 years or both. If given in connection with a charge of felony or charged and fined not more than \$1,000 or imprisoned not more than 1 year or both, if given in connection with a misdemeanor or charge.

I informed the Defendant that he must notify the Court in writing of any change of address or telephone number.

I have _____ read to me the offense with which I am charged, the conditions of release, the penalty for violation of the conditions of release, the Notice of Right to Counsel, and I have been informed that the trial date/preliminary hearing date is _____ M. at _____

or that I will be advised of the date by the clerk. I agree to the conditions of release and agree to appear as directed.

Signature of Defendant _____ Date _____

Custodian _____

(This form replaces CR 706)

DC/CR 7(Rcv. 1/86)



District Court of Maryland

SUPPLEMENTARY REPORTING FORM-1

Preparer I.D. 8034	Date 9-12-86	District/Location 08-02	Case # 631042C6
-----------------------	-----------------	----------------------------	--------------------

1. ☐ Trial ☐ Postpone ☐ New Trial _____ ☐ AM ☐ PM, _____
Date Time Room District Location
2. ☐ Warrant ☐ Issued on _____ ☐ Recalled on _____
Date Date
3. ☐ Correct/update information on complainant/defendant:

(COMPLAINANT)				(DEFENDANT)			
Last	First	M.I.	Title	Last	First	M.	Title
Work Telephone		Home Telephone		Work Telephone		Home Telephone	
Address				Address			
				# 1 Apt-H Ridgedale Rd.			
City		State	Zip Code	City		State	Zip Code
				Cokeysville, MD.		21030	
Agency	Sub Agency	I.D. (If Police Officer)		I.D.	D.O.B.	Ht.	Wt.
						Sex	Race

4. ☐ PSI or Sub Curia Until _____ Judge I.D.: _____
Date
5. ☐ Commitment to hospital _____ until _____
Code Date
6. ☐ Deferred payment. Suspend payment \$ _____ Extend final date to _____
Date
7. ☐ Charging document served _____
Date
8. ☐ Appeal perfected _____
Date
9. ☐ Expunge records. Charge no. _____ or ☐ All charges. Code _____

COMPLAINANT			DEFENDANT					
NAME (LAST, FIRST, M.I.)		TITLE	NAME (LAST, FIRST, M.I.)		TITLE			
Burleson, Linda		Det.	Gutzke, Roy Allen					
AGENCY	SUB-AGENCY	I.D. NO. (POLICE)	I.D. NO.	RACE	SEX	HT.	WT.	D.O.B. (MM/DD/YY)
AE	CID	2507	86-11163	W	M	5'10"	160	07/13/37
			OCA	HAIR	OTHER DESCRIPTION			
			E-911612	brn				
WORK TELEPHONE		HOME TELEPHONE	WORK TELEPHONE		HOME TELEPHONE			
() 668-7673		()	()		() 583-8393			
ADDRESS		APT. NO.	ADDRESS		APT. NO.			
Baltimore County Police Department - CID			1313 Warwick Dr., #1 APTH RIDGEDALE ROAD					
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE			
7209 Belair Rd., Baltimore, MD		21206	Baltimore (Timonium)	MD	21030 21093			
DIST./LOC.		RELATED CASES	TRACKING NUMBER		KWK <input type="checkbox"/> s			
08-02			63104206					

- ☐ Juvenile Waiver
☐ Released on own Recog—No probable cause
☒ Copy of charges provided ☐ Copy not provided
☒ Defendant advised of right to counsel ☐ Undecided
☐ Waived ☒ Employ own counsel ☐ Public Defender
- ☐ Advised of right to preliminary hearing
Preliminary Hearing ☐ was ☐ was not requested.
☐ Released on own Recog. Supervised by/Custody of _____
Bail \$10,000 (Full; 100 %; without collateral security)
☒ Committed
Hearing/Trial Date 10-2-86 @ 1:15
Judge/Comm. Sanadio 8034 Date 9-12-86
I.D.# _____

BAIL REVIEW

Bail to Remain the Same _____ % _____ Reduced to _____ % _____
Increased to \$ _____ % _____ ROR _____ Unsecured _____
Advised def. of Right to Counsel _____ ☐ Received copy of charges _____
Judge _____ Date _____

Advised def. of Right to Counsel _____ ☐ Received copy of charges _____
 Referred to Public Defender _____ Waived Counsel _____
 Will Retain Own Counsel _____
 Judge _____ Date _____

FTA	Date	Bond/Recog. Forfeited	Recog. Revoked	Bench War Issued	Bail Amt.	Def. Sur- by Surety	Forn. Stricken/ War. Recalled	Previous Bail Reinstated
					\$			

COURT APPEARANCE

- The Court made certain that defendant received a copy of the charging document, informed defendant of right to counsel and importance of assistance of counsel. Advised defendant of nature of charges and allowable penalties including mandatory or minimum, conducted waiver inquiry if defendant wants to waive counsel, and if continued advised defendant that at next appearance, appearing without counsel could be a waiver.

- ☐ Defendant appeared without counsel. Meritorious reason. Case continued.

Defense Counsel.....Defendant. GUTZKE, Roy Allen
State's Attorney.....Case No. 63104ZC6

TRIAL

No. of Charges.....2

☐ Express Waiver of Counsel. Court determined after examination that defendant knowingly and voluntarily waived right to counsel.
☐ Defendant appeared without counsel. No meritorious reason. Court determined that defendant waived counsel.
☐ Defendant appeared with counsel. ☐ Private ☐ Public Defender ☐ JTP ☐ Jury Trial Waived

Charge #1 Caused child abuse AR: ☐ Non-CJIS Art/Sec: 27/30A Code: 1-3802
Amended: Art/Sec: Code:

Max Sentence: Plea: ☐ NP ☐ Stet Verdict: ☐ PSI Ordered: Sub Curia Until:
FINE: \$.....COST: \$.....CICF: \$.....SUS: \$.....RESTITUTION: \$.....to.....
Sentence: ☐ DOC ☐ Local Commencing: Credit time awaiting trial:
Suspended Sentence: Probation time: ☐ Supervised ☐ Unsupervised
Conditions:

Charge #2 Rape - 2nd degree AR: ☐ Non-CJIS Art/Sec: 27/463 Code: 1-1106
Amended: Art/Sec: Code:

Max Sentence: Plea: ☐ NP ☐ Stet Verdict: ☐ PSI Ordered: Sub Curia Until:
FINE: \$.....COST: \$.....CICF: \$.....SUS: \$.....RESTITUTION: \$.....to.....
Sentence: ☐ DOC ☐ Local Commencing: Credit time awaiting trial:
Suspended Sentence: Probation time: ☐ Supervised ☐ Unsupervised
Conditions:

certified to be a true copy of docket entry
Paul R. Butler 10/2/86
Clerk

Charge #3 AR: ☐ Non-CJIS Art/Sec: Code:
Amended: Art/Sec: Code:

Max Sentence: Plea: ☐ NP ☐ Stet Verdict: ☐ PSI Ordered: Sub Curia Until:
FINE: \$.....COST: \$.....CICF: \$.....SUS: \$.....RESTITUTION: \$.....to.....
Sentence: ☐ DOC ☐ Local Commencing: Credit time awaiting trial:
Suspended Sentence: Probation time: ☐ Supervised ☐ Unsupervised
Conditions:

Date Judge
☐ Defendant Advised of Right of Appeal. Upon Perfecting of Appeal, ☐ Sentence to be stayed and ☐ Recog. to Continue;
☐ Present Bond to Continue; ☐ Appeal Bond in Amount of \$..... to be Required; ☐ Sentence not to be Stayed; ☐ Other.....
(If Sentence is Satisfied Prior to Perfecting of Appeal, no Appeal Bond Required.)

Date Judge

Bond forfeiture entered as judgment in the amount of \$..... Date..... with interest from date of forfeiture and costs and liens filed in Circuit Court. Docket entries forwarded to Bail Bond Commissioner, if any, and to State's Attorney and Chief Clerk.

Date Clerk
Indictment filed. Papers forwarded to Circuit Court..... (Date)

REEL#	DATE	START	END

Defendant Notified of Nolle Pros/Stet..... (Date)
Judgment Recorded in District Court..... (Date)
Notice of Lien filed in..... (Court)
..... (Date)
Appeal Noted..... (Date)



DISTRICT COURT OF MARYLAND FOR

BALTO CO / Owings Mills

Towson, MD 21204

City/County

Located at

111 ALLEGHENY AVE

Case No. 631042C6

Court Address

STATE OF MARYLAND

VS

Gutzke, Roy. Allen

Defendant

Charge (1) ... Caused Child Abuse

1313 Warwick Dr.,

Address

AR. 26/11/83 Code 1-3802

Timonium, MD 21093 583-8393

City, State, Zip

Telephone

Charge (2) ... Rape - 2nd degree

Arresting Officer's Agency, Sub-Agency, I.D.

AR. Code

CC# E-911612

ARREST WARRANT ON CHARGING DOCUMENT

STATE OF MARYLAND, Baltimore County

City/County:

TO ANY PEACE OFFICER, Greetings:

YOU ARE ORDERED to arrest and bring before a judicial officer the above-named Defendant as soon as practicable and without unnecessary delay. If a judicial officer is not readily available, this Warrant shall authorize the prisoner's detention until compliance is had with Rule 4-212 and the arresting officer is authorized and required to comply with Rule 4-212.

IF THE DEFENDANT IS NOT IN CUSTODY FOR ANOTHER OFFENSE,

☒ Initial appearance is to be held in county in which Warrant was issued.

☐ Initial appearance is to be held in county in which Defendant is arrested.

Issued. September 11, 1986

Date

Judge/Commissioner

Given to Baltimore County Police Department

Name of Law Enforcement Agency for Service

IF DEFENDANT IS IN CUSTODY FOR ANOTHER OFFENSE, this Warrant is to be lodged as a detainer for the continued detention of the Defendant for the offense charged in the charging document. When the Defendant is served with a copy of the charging document and Warrant, the Defendant shall be taken before a judicial officer of the District Court.

RETURN OF SERVICE

☐ I certify that at 11:35 o'clock A. M. on 9/12/86 at

Date

7209 BELAIR RD BALTO 21206, I executed this Arrest Warrant by

Place

arresting the Defendant and delivered a copy of the Statement of Charges to the Defendant.

☐ I left a copy of the Warrant and Charging Document as a detainer for the continued detention of the Defendant at:

Detention Facility

Det. Linda Bullock # 2507

Signature of Peace Officer

DETECTIVE

Title

DISTRICT COURT OF MARYLAND FOR

LOCATED AT (COURT ADDRESS)

LOCATED AT (COURT ADDRESS)
110 Painters Mill Rd.
Owings Mills, MD 21117

DEPENDANT'S NAME (LAST, FIRST, MI.)		PRIMARY CHARGE		RELATED CASES		TRAINING NUMBER (CROSS) XXXX <input type="checkbox"/> 5	
Gutzke, Roy Allen						63104206	
63104206						LOCAL POLICE 63104206	
COMPLAINANT				DEFENDANT			
NAME (LAST, FIRST, MI.)		TITLE		NAME (LAST, FIRST, MI.)		TITLE	
Burleson, Linda		Det.		Gutzke, Roy Allen			
AGENCY	SUB-AGENCY	LD. NO. (POLICE)		LD. NO.	RACE	SEX/HT.	WT.
AE	76/11163	CID	2507		W	M	5'10" 160
							DOB (MM/DD/YY)
							07/13/37
WORK TELEPHONE		HOME TELEPHONE		WORK TELEPHONE		HOME TELEPHONE	
() 668-7673		()		()		() 583-8393	
ADDRESS		APT. NO.		ADDRESS		APT. NO.	
Baltimore County Police Department - CID				1313 Warwick Dr.,			
CITY	STATE	ZIP CODE		CITY	STATE	ZIP CODE	
7209 Belair Rd., Baltimore, MD		21206		Baltimore(Timonium)	MD	21093	
DIST. LOC.		RELATED CASES		TRAINING NUMBER (CROSS) XXXX <input type="checkbox"/> 5			
08-02				63104206			

STATEMENT OF CHARGES

UPON THE FACTS CONTAINED IN THE APPLICATION OF (NAME AND ADDRESS OF APPLICANT)

IT IS FORMALLY CHARGED THAT THE DEFENDANT

1	MDCCS	AR	ON OR ABOUT (DATE)	AT (PLACE)
	1-3802	September 1985 through September 5, 1986	1313 Warwick Dr., Timonium, MD	21093
. . . did cause abuse to Keely Ann Braswell, a child, the defendant having the temporary care and responsibility for the supervision of the said child.				

IN VIOLATION OF:

☒ MD ANN. CODE, ART. 27 SEC. 35A ☐ COMMON LAW OF MD; ☐ PUB. LOCAL LAW, ART. SEC.

☐ COMAR OR AGENCY CODE NO. ☐ ORDINANCE NO.

AGAINST THE PEACE,
 GOVERNMENT AND
 DIGNITY OF THE STATE.

2	MDCCS	AR	ON OR ABOUT (DATE)	AT (PLACE)
	1-1100	September 1985 through September 5, 1986	1313 Warwick Dr., Timonium, MD	21093
	. . . did engage in vaginal intercourse with Keely Ann Braswell, a person known to the			
	accused to be or whom the accused should reasonably have known was mentally defective.			

IN VIOLATION OF:

☒ MD ANN. CODE, ART. 27 SEC. 463 ; ☐ COMMON-LAW OF MD ; ☐ PUB. LOCAL LAW, ART. SEC.
 ☐ COMAR OR AGENCY CODE NO. ; ☐ ORDINANCE NO.
 AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE

☐ CONTINUED ON ATTACHED SHEET (FORM DC/CR 3A)

DATE 9-11-86	TIME 1:30 p	JUDICIAL OFFICER AND I.D. NO. [Signature]
-----------------	----------------	--

NOTICE OF ADVICE OF RIGHT TO COUNSEL

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. You have the right to have a lawyer.
4. A lawyer can be helpful to you by:
 - (A) explaining the charges in this paper;
 - (B) telling you the possible penalties;
 - (C) helping you at trial;
 - (D) helping you protect your constitutional rights;
- and
- (E) helping you to get a fair penalty if convicted.
5. Even if you plan to plead guilty, a lawyer can be helpful.
6. If you want a lawyer but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender.
7. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
8. DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may have to go to trial without one.

RECEIPT

I have read or have had read to me the contents of the above notice and acknowledge receipt of a copy thereof.

Date

Signature of Defendant

Peg a Little



DISTRICT COURT OF MARYLAND FOR BALTIMORE

City/County

Located at Case No.

Court Address

STATE OF MARYLAND

VS

GUTZKE, ROY ALLEN

Defendant

1313 WARWICK DRIVE

Address

BALTIMORE, MARYLAND 21093 583-839

Telephone

DESCRIPTION: Driver's License# G-320-744-051-554 Sex M Race W Ht 5/10
 Wt 160 Hair BROWN Eyes BROWN Complexion DOB: 7/13/37
 I.D. Other

APPLICATION FOR STATEMENT OF CHARGES E 911612

I, the undersigned, apply for a Statement of Charges and a Summons or Warrant which may lead to the arrest of the above named Defendant because on or about SEPTEMBER 1985 THROUGH SEPTEMBER 5, 1986 at 1313 WARWICK DR. BALTIMORE COUNTY, MARYLAND 21093, the above named Defendant

ROY ALLEN GUTZKE, DID ENGAGE IN SEXUAL INTERCOURSE WITH THE VICTIM, KEELY ANN BRASWELL F/W D.O.B. 10/4/68, ON SEVERAL OCCASIONS. MR. GUTZKE IS THE PARAMOUR OF THE VICTIM'S MOTHER AND HAS BEEN A FATHER FIGURE TO KEELY BRASWELL FOR THE PAST FOUR YEARS. ON 9/10/86, KEELY BRASWELL WAS INTERVIEWED AND SHE TOLD OF HAVING SEXUAL INTERCOURSE WITH ROY GUTZKE ON SEVERAL OCCASIONS DURING THE PAST YEAR. THE INCIDENTS OCCURRED IN HER HOME AT 1313 WARWICK DR. 21093, WHILE HER MOTHER WAS AT WORK. ACCORDING TO KEELY BRASWELL, THE LAST INCIDENT OCCURRED ON 9/5/86 BETWEEN

(Continued on attached sheet.)

I have read or had read to me and I understand the notice on the back of this form.

LINDA G. BURLESON #2507

Print Applicant's Name

Det. Linda Burleson #2507

Applicant's Signature

DETECTIVE / CHILD ABUSE UNIT

Applicant's Title or Position

1209 BELAIR RD.

Applicant's Mailing Address

668-7673

Applicant's Telephone No.

BALTIMORE, MARYLAND 21206

Subscribed and sworn to before me this day of 19

Time: M. I.D. Judge/Commissioner

I do solemnly declare and affirm under penalties of perjury that the matters and facts set forth in the foregoing application are true to the best of my knowledge and belief.

9/11/86

Date

BALTO. COUNTY POLICE / CHILD ABUSE UNIT

Agency/Sub Agency Code, I.D.

Det. Linda Burleson #2507

Police Officer's Signature

DET. LINDA BURLESON #2507

Police Officer's Printed Name

I understand that a charging document has been issued and that I must appear for trial on at

Time

at the court location shown at the top of this form.

Det. Linda Burleson #2507

Applicant's Signature

☐ I declined to issue a charging document because of lack of probable cause.

Date

Commissioner

NOTICE TO APPLICANT FOR A CHARGING DOCUMENT

You are making an application for a charging document which may lead to the arrest and detention of the individual you are charging. If, as a result of your application, a charging document is issued by the commissioner, it will not be possible for the commissioner to withdraw the document. The charge may only be disposed of by trial or by action of the State's Attorney.

You will be required to appear at the trial as a witness. Failure to appear on the date set by the court could result in your arrest for failure to obey a court order.

The application which you have filed has been filed under oath. Article 27, Section 151, of the Annotated Code of Maryland provides that any person who makes a false statement or report of a crime or causes such a false report or statement to be made to any official or agency of this State, knowing the same, or any material part thereof, to be false and with intent that such official or agency investigate, consider or take action in connection with such statement or report, shall be subject to a fine of not more than \$500, or be imprisoned not more than six months, or be both fined and imprisoned, in the discretion of the court.

It is essential that you furnish as much information as possible about the offense. To be sure that your information is adequate, your application should clearly state the following:

1. WHO?

Identify the accused, (the person you are complaining about), and identify yourself.

2. WHEN?

The time, day, month and year of the offense.

3. WHERE?

The exact address and street, the city, county and state where the offense happened. Also state whether the offense happened in a private home or in some public place.

4. WHAT?

State exactly what was done to you. For example: if property was taken, describe it and its value; or, if property was damaged or destroyed, indicate the original cost of the item or its replacement value. If you do not know the exact value, estimate it as accurately as possible.

5. WHY?

The facts you give must show the accused intended to commit a criminal act.

6. HOW?

How the accused committed the offense. For example, if you were physically assaulted, were you struck with a fist, a flat hand, kicked, or pushed, or were you struck with an object, such as a club or pipe, etc.? If property was taken, how did the accused get it? If it was destroyed or damaged, how did the accused cause the damage?

7. At the top of the application, you will notice a space marked "DESCRIPTION." The information in this space refers to the accused. It is important that you furnish as much of this as possible so that the accused may be easily identified.

If you need further assistance in completing your application, please feel free to ask the commissioner.

NOTICE TO APPLICANT FOR A CHARGING DOCUMENT

Defendant's Name. GUTZKE, ROY ALLEN

Case No.

E 911612

STATEMENT OF PROBABLE CAUSE/APPLICATION (continued)

THE HOURS OF 1315 AND 1700 HRS, WHILE SHE WAS ALONE WITH ROY GUTZKE IN THEIR HOME. SHE TOLD OF MR. GUTZKE TAKING HER INTO THE BEDROOM AND HAVING SEXUAL INTERCOURSE WITH HER. MR. GUTZKE TOLD KEELY NOT TO TELL HER MOTHER BECAUSE SHE WOULD BE ANGRY WITH THEM. KEELY BRASWELL IS A DEVELOPMENTALLY DISABLED CHILD AND IS EMOTIONALLY IMMATURE FOR HER AGE. KEELY BRASWELL INITIALLY TOLD HER MOTHER OF HAVING SEXUAL INTERCOURSE WITH ROY GUTZKE ON 9/5/86. MRS. BRASWELL TOOK KEELY TO THE GREATER BALTIMORE MEDICAL CENTER ON 9/6/86. THE MEDICAL EXAMINATION CONFIRMED THAT PENETRATION HAD OCCURRED. THE VICTIM, KEELY BRASWELL, IS A MENTALLY RETARDED CHILD AND IS PRESENTLY ATTENDING RUXTON CENTER SCHOOL. SHE IS UNABLE TO READ AND WRITE. KEELY IS ABLE TO COMMUNICATE VERBALLY, ALTHOUGH THE COMMUNICATION IS SLOW AND LIMITED. KEELY'S EMOTIONAL DEVELOPMENT IS DELAYED AND MORE APPROPRIATE FOR A TWELVE YEAR OLD CHILD. KEELY HAS DIFFICULTY WITH ABSTRACT REASONING AND LOGICAL THINKING.

I solemnly affirm under the penalties of perjury that the matters and facts set forth in the foregoing application are true to the best of my knowledge, information and belief.

9/11/86

Date

Det. Linda G. Burleson #2587

Applicant's Signature

DET. LINDA G. BURLESON

Printed Name

BALTO. COUNTY POLICE/CHILD ABUSE UNIT

Officer's Agency, Sub-Agency, I.D. or Address

STATE OF MARYLAND

Plaintiff

vs.

ROY ALLAEN GUTZKE

Defendant

*

*

*

*

*

*

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

CASE NO.: 86CR5373

* * * * *

MOTION TO SUPPRESS

TO THE HONORABLE, THE JUDGE OF SAID COURT:

The Defendant, Roy Allen Gutzke, by his attorneys Cohen, Dwin & Garfield, P.A. and Craig S. Garfield moves to make the following suppressions for the following reasons:

I. State of Defendant:

- A. Statement not freely and voluntarily given.
- B. Statement given after an illegal arrest.
- C. State given after undue delay in presenting Defendant before commissioner and/or judge.

II. Evidence Seized:

- A. Search and seizure was illegal.
- B. Search and seizure followed illegal arrest.
- C. Items were seized that were not within the mandate of the warrant.
- D. For other reasons to be set forth at the hearing on the motion.

III. In - Court Identification:

- A. Pre-trial photograph viewings was impressible suggestive.
- B. For other reasons to be set forth at the hearing on the Motion.

Craig S. Garfield
Cohen, Dwin & Garfield, P.A.
By: Craig S. Garfield
4143 Patterson Avenue
Baltimore, Maryland 21215
(301) 358-0766

Attorney for Defendant

I HEREBY CERTIFY that on this 6th day of October, 1986
a copy of the foregoing Motion to Suppress was mailed, postage prepaid, to
Fran O'Brien, Assistant State's Attorney for Baltimore County,
County Courts Building, Towson, Maryland 21204.

Craig S. Garfield
Craig S. Garfield

STATE OF MARYLAND

Plaintiff

vs.

ROY ALLEN GUTZKE

Defendant

*

*

*

*

*

*

IN THE

CIRCUIT COURT

FOR

BALTIMORE COUNTY

CASE NO.: 86CR5373

* * * * *

MOTION FOR DISCOVERY AND INSPECTION

Now comes the Defendant, Roy Allen Gutzke, by his attorneys Cohen, Dwin & Garfield, P.A. and Craig S. Garfield and pursuant to the authority of the Common Law and Rule 728 of the Maryland Rule of Procedure and move the Court to order the State to discover unto the Defendant the following information and materials which are in the possession of the State, or its agents, which are revelant and material evidence, and which are necessary to the preparation of the defense:

1. To provide the defense with the name and address of any formant, confidential or otherwise, who was a participant in the alleged illegal act which is the basis for the Indictment, or who was a participant in any illegal act which formed any part of the basis for any warrant or process issued and executed in this case, or who was a participant in any illegal act which was relied upon by any law enforcement official as probable cause to make an arrest and/or search in this case.

2. To provide the defense with the name and assignment of any law enforcement officer, City, County, State or Federal, who participated in any sale, purchase, of any contraband, said sale, purchase or negotiation having formed any part of the basis for the charge against the defendant or any part of the alleged probable cause for an arrest or search involving the defendant.

FILED OCT 8 1986

3. To advise the defendant whether there exists an arrest warrant under which he was arrested, and if there is such a warrant, to furnish the defendant with a copy of said arrest warrant and the affidavit attached thereto.

4. To advise the defendant whether there exists a search and seizure warrant, the execution of which resulted in charges being placed against the defendant, and if there is such a warrant to furnish the defendant with a copy of said warrant and the affidavit attached thereto.

5. To furnish the substance of any and all oral confessions or admissions allegedly made by the defendant, whether reduced to writing or not.

6. To furnish the substance of any and all oral confessions or admissions allegedly made by the defendant.

7. To furnish to the defendant the substance of any oral statement allegedly made by the defendant which the State intends to offer in evidence to prove its case in chief.

8. To advise the defendant of the existence of any and all confessions, admissions, or statement, whether oral or reduced to writing, made by any co-defendant, accomplices, or accessories after the fact which incriminated the defendant, and to furnish the defendant with copies of any such confessions, admissions, or statements which may have been reduced to writing and the substance of any such confessions, admission, or statement which may have been oral.

9. To permit the defendant to inspect any law enforcement report containing the chain of custody of the person of the defendant, beginning with the time of defendant's arrest and continuing throughout the time that the defendant was in the custody of any police or prosecuting authorities.

10. In the event that law enforcement authorities have not prepared the type of report relating to custody of the defendant referred to in paragraph Nine above, to furnish the defendant with the names and addresses of all persons who had custody or control of the defendant beginning with the arrest of the defendant and continuing throughout the time that the defendant was in custody of any police or prosecuting authorities.

11. To permit the defendant to inspect any photographs which police or prosecuting authorities may have exhibited to any witness for purposes of identification of the defendant, and any other photographs which the State intends to use in the trial of the defendant, and the presentation of its case in chief, and to furnish the defendant with copies of said photographs, the names and addresses of witnesses who viewed said photographs and results of such viewing of said photographs.

12. To advise the defendant as to whether defendant was placed in a pre-indictment or post-indictment line-up, and if defendant was placed in such line-up, to permit the defendant to inspect the line-up sheet prepared by law enforcement authorities, said sheet containing the names and descriptions of all persons who were placed in said line-up, the names and addresses of all persons viewing said line-up.

13. To permit the defendant to inspect any waiver of right to counsel at line-up allegedly signed by defendant or if no such waiver is alleged to have been executed, to furnish the defendant with the name of the lawyer who represented the defendant at said line-up.

14. To advise the defendant as to whether the defendant was confronted by identification witnesses in any manner other than a line-up while defendant was in custody of police or prosecution authorities, and if so, to furnish the defendant the time, place, and circumstances of such confrontation including the names and addresses of all persons participating in said confrontation.

15. To furnish the defendant with the names, addresses and physical descriptions of any persons other than the defendant who were identified by any witnesses and/or who were arrested or otherwise taken into custody by police or prosecution officials as a possible suspect in this case in which defendant is charged.

16. To furnish copies of any and all statements or reports of prosecution pertaining to this case.

17. Furnish copies of all offense reports or other official police reports pertaining to these offenses.

18. Furnish photostatic copies of all crime laboratory reports pertaining to this case.

19. Supply copies of any and all medical reports that the State has or wishes to introduce into evidence with respect to this case or cases.

20. To permit the defendant to see, inspect, photocopy, and/or copy any photographs, diagrams, blueprints, layouts, or plans of the grounds or buildings of the premises involved in these proceedings which are in the possession of the State.

21. To furnish the defendant, or allow the inspection, photocopying, xeroxing, copying or photographing of any information or material in the possession of the State which, as to this defendant, is exculpatory.

22. To allow defendant to see, inspect and view any photographs, film, slides, or moving pictures containing relevant evidence in this case which the State has in its possession or intends to use in the preparation for trial and/or trial in this case.

23. To allow the defendant to see, inspect, copy, photocopy, xerox, and/or photograph any and all other books, papers, documents, and any and all other tangible objects obtained from or belonging to the defendant, or obtained from others by seizure or process; and to enumerate in its answer all such tangible objects taken from, or belonging to the defendant now in the custody

of any law enforcement agency, or the State's Attorney's office, whether such custody be actual or constructive.

24. To furnish the defendant with a list of the names and addresses of the witnesses whom the State intends to call to prove its case in chief.

25. To permit the defendant to see, inspect, copy, xerox and/or photocopy any law enforcement report pertaining to the defendant and/or to the alleged act for which the defendant was charged or indicted.

26. To furnish the defendant any facts or information that the State has with respect to the prosecuting witnesses' moral and criminal background and that in the nature of justice should be revealed to defendant's counsel to aid in seeing that the defendant receives a fair and impartial trial.

27. To advise the defendant if any evidence was obtained by any authorized electronic eavesdropping, accomplished pursuant to the provisions of Title III of the Omnibus Crime Control and Safe Streets Act of 1968, which the State intends to use as evidence against him or that may have incriminated him; to include any overhead remarks which may have been by the defendant, or any co-defendant, accomplice, or accessory before or after the fact that might have incriminated the defendant.

28. If evidence was obtained pursuant to authorized electronic eavesdropping, as defined in paragraph 27 above, and incriminates the defendant, the defendant herewith request a copy of all such evidence that may have been reduced to writing and is in the hands of the State, be furnished to the defendant.

29. If electronic eavesdropping was accomplished, under the provisions of paragraph 27 above, and incriminates the defendant, and is in the hands of the State, the defendant herewith requests that he or his counsel be furnished access to such material, and be permitted to see, listen to, inspect photograph, or copy all such material.

30. If electronic eavesdropping was accomplished, under the provisions of paragraph 27 above, and is in the hands of the State, and the State intends to use such evidence against the defendant at his trial, that the State forthwith furnish the defendant an inventory to include:

- a. The date of the entry or order of the application;
- b. A copy of the Court Order, and accompanying application;
- c. The date of the entry and the period of authorized, approved, or disapproved interceptions; or the denial of the application;
- d. Whether or not oral communications were or were not intercepted during the period of authorized, or extended interceptions;
- e. The dates of authorized surveillance; the dates of any extensions; the Court Orders and applications thereof for any extensions;
- f. The dates any described communications were intercepted during the period of authorized surveillance, or during any authorized extension.
- g. The dates that interception of communications not authorized by Title III of the Omnibus Crime Control and Safe Streets Act of 1968 were made;
- h. A listing of all non-authorized communications that were intercepted by the State.
- i. A listing of all authorized conversations that were intercepted by the State.

31. To furnish the defendant any exculpatory information in the hands of the State that might tend to establish the innocence of the defendant, or to mitigate his guilty to a lesser degree.

32. To advise the defendant whether the victim of the crime involved has identified anyone other than the defendant as the person who committed the crime, or has been unable to identify the defendant as the person who committed the crime involved in any situation where the victim in was furnished pictures to identify the person who committed the crime and such

pictures included a picture of the defendant.

33. The answers requested herein, paragraphs 1 through 32 above, are continuing in nature, and if answers relating to the foregoing questions are not in the hands of the State at the time of its answer to this Motion, but such answers are subsequently obtained, or information is subsequently obtained that bears on the foregoing questions, and such answers or information is in the hands of the State, the defendant herewith requests that such answers or information be furnished forthwith to the defendant.

As the basis for the Motion the defendant states, in accordance with Maryland Rule 728 (a) that the objects requested are material and necessary to the preparation of the defense for the following reasons:

1. Any confessions, admissions, or statements of the defendant are needed for proper trial preparation.
2. The confessions or admissions of co-defendants, accomplices, and accessories before and after the fact which implicates or incriminates the defendant, are needed so that counsel can adequately advise the defendant concerning removal, consolidation, severance, and other matters crucial to a fair trial.
3. The names, addresses and statements of the State's witnesses are necessary for adequate trial preparation in that counsel must have such information in order to interview the witnesses and to be able to properly cross-examine said witnesses.
4. All other material and information requested by the defendant is necessary so that defense counsel may adequately advise the defendant with the effective assistance which is guaranteed by the United States Constitution and the Maryland Declaration of Rights.

Craig S. Garfield
Cohen, Dwin & Garfield, P.A.
By: Craig S. Garfield
4143 Patterson Avenue
Baltimore, Maryland 21215
(301) 358-0766

Attorney for Defendant

CERTIFICATION OF MAILING

I HEREBY CERTIFY that on this 6th day of October, 1988,
a copy of the foregoing Motion for Discovery and Inspection was mailed,
postage prepaid to Fran O'Brien, Assistant State's Attorney for
Baltimore County, County Courts Building, Towson, MD 21204.

Craig S. Garfield
Craig S. Garfield

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Roy Allen Gutzke

Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: Craig S Garfield , Esquire

4143 Patterson Ave.
Baltimore, MD 21215

You are hereby NOTIFIED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on January 6, 1987 at
09:15 A.M. for the Trial of the above entitled case.

Any postponement of this date must be in accordance with
MD. Rule 4-271.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: October 7, 1986



ELMER H. KAHLINE, JR.

Clerk, Circuit Court for Baltimore County

Per Joan Mather Deputy
Criminal Assignment Commissioner
494-2694

CC: Fran Obrien, Esquire

STATE OF MARYLAND

VS.

IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

Roy Allen Gutzke

86-CR-5373

* * * * *

STATE'S ANSWER TO DEFENDANT'S
MOTION FOR DISCOVERY AND INSPECTION

Now comes Sandra A. O'Connor, State's Attorney For Baltimore County, and
R. Frances OBrien., Assistant State's Attorney for Baltimore County, and in Answer
to Defendant's Motion for Discovery and Inspection, says the following:

1. Upon reasonable notice to this office, the Defendant or his Counsel may inspect and copy any books, papers, documents, recordings or photographs which the State intends to use at trial; inspect and photograph any tangible objects which the State intends to use at trial; and to inspect, copy and photograph any item obtained from or belonging to the Defendant.

2. Upon reasonable notice to this office, the Defendant or his Counsel may inspect and copy all written reports or statements made in connection with this case by each expert consulted by the State. If any oral report has been made by such an expert, a report will be attached hereto indicating the substance of the report and any conclusions reached. A copy of any written reports, if available, will be attached hereto.

3. _____ The Defendant made no statements or confessions, oral or written, which are known to the State at the present time.

_____ The Defendant made a written statement or confession, the copy of which is attached hereto.

✓ _____ The Defendant made an oral statement or confession, the substance of which is as follows:

Sore on automatic.

4. *NA* _____ The Co-defendant(s) made no statements or confessions, oral or written, which are known to the State at the present time.

NA _____ The Co-defendant(s) made a written statement or confession, the copy of which is attached hereto.

NA _____ The Co-defendant(s) made an oral statement or confession, the substance of which is as follows:

5. At the present time, there is no information known to the State which is exculpatory, in any manner, to the Defendant.

6. The State reserves the right to amend and/or supplement this answer, upon reasonable notice to the Defendant or his Counsel before the trial, by supplying information not presently known to the State's Attorney's Office.

7. As to all other requests by the Defendant (except for the answer to 8 below), the State declines to answer because those requests do not come within the purview of Maryland Rule 4-263.

8. The names and addresses of the witnesses now known that the State intends to call to prove its case in chief or to rebut alibi testimony are as follows:

FILED OCT 10 1986

Keeley Braswell
1313 Warwick Dr.

Diana Braswell

Same As Keeley

Jet Burkson

Youth Division

Off P. O'Connor
PL7

Dr. R. BREITNECKER

G.B.M.C.

6701 N. CHARLES ST.

9. Upon notice to the State, the Defendant may inspect the contents of the State's file in this case, excluding those items otherwise privileged by law.

Sandra A. O'Connor (CFV)
SANDRA A. O'CONNOR
STATE'S ATTORNEY FOR BALTIMORE COUNTY

R. F. Jones Jr.
ASSISTANT STATE'S ATTORNEY FOR BALTIMORE COUNTY

I HEREBY CERTIFY that a copy of the foregoing State's Answer to Defendant's Motion For Discovery and Inspection was sent this 9th day of Oct., 1986, to Craig S. Garfield, 4143 PATTERSON, AVENUE, PATTERSON VILLAGE Shopping Center, BALTO. MD. 21215

R. F. Jones Jr.
ASSISTANT STATE'S ATTORNEY FOR BALTIMORE COUNTY
COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204

STATE OF MARYLAND

*

IN THE CIRCUIT COURT

VS.

*

FOR BALTIMORE COUNTY

ROY A. GUTZKE

*

CASE NO. 86-CR-5378

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SUBPOENA DUCES TECUM

#86 CR 5373

Mr. Clerk:

Please issue a Subpoena Duces Tecum directed to:

Custodian of Medical Records
Greater Baltimore Medical Center
6701 N. Charles Street
Baltimore, Maryland 21204

to be and appear in the Circuit Court for Baltimore County,
County Courts Building, Towson, Maryland, on the 6th day of
January, 1987, at 9:15 a.m., and to produce at that time any
and all medical records pertaining to Keely Ann Braswell, W/F,
d.o.b. 10/4/68, who was examined on 9/12/86 by Dr. Rudiger
Breitenecker.

Issued

FILED OCT 21 1986

Sandra A. O'Connor (MFB)
SANDRA A. O'CONNOR
State's Attorney for Baltimore County

R. Frances O'Brien
R. FRANCES O'BRIEN
Assistant State's Attorney
for Baltimore County

I HEREBY CERTIFY that a copy of the foregoing Subpoena
Duces Tecum was sent this 16th day of October, 1986 to Craig S.
Garfield, Esquire, 4143 Patterson Avenue, Baltimore, Maryland 21215.

Craig S. Garfield



R. Frances O'Brien
R. FRANCES O'BRIEN
Assistant State's Attorney
for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
583-6610

RFO/mes

STATE OF MARYLAND

VS.

ROY A. GUTZKE

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IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

CASE NO. 86-CR-⁵³⁷³~~5378~~

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MOTION TO SUMMON TANGIBLE EVIDENCE BEFORE TRIAL

Now comes Sandra A. O'Connor, State's Attorney for Baltimore County, by R. Frances O'Brien, Assistant State's Attorney for Baltimore County, and pursuant to Rule 4-264 of the Maryland Rules of Procedure, moves this Honorable Court to order the Clerk of the Court to issue a summons to the Custodian of Medical Records, Greater Baltimore Medical Center, 6701 North Charles Street, Baltimore, Maryland 21204, to produce a certified copy of all medical records pertaining to Keely Ann Braswell, W/F, d.o.b. 10/4/68, who was examined there on 9/12/86 by Dr. Rudiger Breitnecker, at a time and place specified in the Summons attached hereto.

Issued:

Respectfully submitted,

FILED OCT 28 1986

Sandra A. O'Connor (at fee)

SANDRA A. O'CONNOR
State's Attorney for Baltimore County

R. Frances O'Brien
R. FRANCES O'BRIEN
Assistant State's Attorney
for Baltimore County

I HEREBY CERTIFY that a copy of the foregoing Motion to Summon Tangible Evidence Before Trial was sent this 16th day of October, 1986 to Craig S. Garfield, Esquire, 4143 Patterson Avenue, Baltimore, Maryland 21215.

R. Frances O'Brien
R. FRANCES O'BRIEN
Assistant State's Attorney
for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
583-6610

STATE OF MARYLAND

*

IN THE CIRCUIT COURT

VS.

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FOR BALTIMORE COUNTY

ROY A. GUTZKE

*

CASE NO. 86-CR-5378

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SUMMONS FOR TANGIBLE EVIDENCE BEFORE TRIAL

Directed to: Greater Baltimore Medical Center
6701 North Charles Street
Baltimore, Maryland 21204

to be and appear in the State's Attorney's Office for Baltimore County, before Sandra A. O'Connor, State's Attorney for Baltimore County, on November 10, 1986 at 10:00 a.m. and to produce at that time, pursuant to Rule 4-264 of the Maryland Rules of Procedure, a certified copy of all medical records pertaining to Keely Ann Braswell, W/F, d.o.b. 10/4/68, who was examined there on 9/12/86 by Dr. Rudiger Breiteneker.

In lieu of personally appearing in the State's Attorney's Office for Baltimore County, you may comply with this Summons by forwarding the requested information by mail directly to R. Frances O'Brien, Esquire, State's Attorney's Office for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204, by the above compliance date.

STATE OF MARYLAND

VS.

ROY A. GUTZKE

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IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

CASE NO. 86-CR-5378

ORDER OF COURT

IT IS ORDERED this 27th day of October, 1986, by the Circuit Court for Baltimore County, that the Clerk of the Court issue a summons to the Custodian of Medical Records, Greater Baltimore Medical Center, 6701 N. Charles Street, Baltimore, Maryland 21204, to produce a certified copy of all medical records pertaining to Keely Ann Braswell, W/F, d.o.b. 10/4/68, who was examined there on 9/12/86 by Dr. Rudiger Breitenecker, M.D., at the time and place specified in the Summons attached hereto.

JUDGE

Circuit Court for Baltimore County

RFO/mes

Wark 331

COST \$15.00

STATE OF MARYLAND SUMMONED * 10-22 1986 IN THE CIRCUIT COURT

VS. NOT SERVED * 19 FOR BALTIMORE COUNTY

REASON NOT SERVED *

ROY A. GUTZKE * CASE NO. 86-CR-5378

* SHERIFF *
* OF BALTIMORE COUNTY *
* J. EDWARD MALONE *
SUBPOENA DUCES TECUM

* 86CR5373 *

Mr. Clerk:

Please issue a Subpoena Duces Tecum directed to:

Custodian of Medical Records
Greater Baltimore Medical Center
6701 N. Charles Street
Baltimore, Maryland 21204

to be and appear in the Circuit Court for Baltimore County,
County Courts Building, Towson, Maryland, on the 6th day of
January, 1987, at 9:15 a.m., and to produce at that time any
and all medical records pertaining to Keely Ann Braswell, W/F,
d.o.b. 10/4/63, who was examined on 9/12/86 by Dr. Rudiger
Breitenecker.

RECEIVED
1986 OCT 21 PM 2:21
SHERIFF'S OFFICE
BALTIMORE

FILED OCT 21 1986

Sandra A. O'Connor (RFO)
SANDRA A. O'CONNOR
State's Attorney for Baltimore County

R. Frances O'Brien
R. FRANCES O'BRIEN
Assistant State's Attorney
for Baltimore County

I HEREBY CERTIFY that a copy of the foregoing Subpoena
Duces Tecum was sent this 16th day of October, 1986 to Craig S.
Garfield, Esquire, 4143 Patterson Avenue, Baltimore, Maryland 21215.

[Handwritten signature]



R. Frances O'Brien
R. FRANCES O'BRIEN
Assistant State's Attorney
for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
583-6610

RFO/mes

STATE OF MARYLAND

VS.

ROY A. GUTZKE

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IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

CASE NO. 86-CR-5378
5373

351

WALK

MOTION TO SUMMON TANGIBLE EVIDENCE BEFORE TRIAL

Now comes Sandra A. O'Connor, State's Attorney for Baltimore County, by R. Frances O'Brien, Assistant State's Attorney for Baltimore County, and pursuant to Rule 4-264 of the Maryland Rules of Procedure, moves this Honorable Court to order the Clerk of the Court to issue a summons to the Custodian of Medical Records, Greater Baltimore Medical Center, 6701 North Charles Street, Baltimore, Maryland 21204, to produce a certified copy of all medical records pertaining to Keely Ann Braswell, W/F, d.o.b. 10/4/68, who was examined there on 9/12/86 by Dr. Rudiger Breitnecker, at a time and place specified in the Summons attached hereto.

Respectfully submitted,

RECEIVED

1986 OCT 23 8:41

CLERK OF COURT

COST \$ 15.00

SUMMONED

10-30

1986

NOT SERVED

19

REASON NOT SERVED

SHERIFF
OF BALTIMORE COUNTY
J. EDWARD MALONE

Sandra A. O'Connor (AFee)

SANDRA A. O'CONNOR
State's Attorney for Baltimore County

R. Frances O'Brien

R. FRANCES O'BRIEN
Assistant State's Attorney
for Baltimore County

I HEREBY CERTIFY that a copy of the foregoing Motion to Summon Tangible Evidence Before Trial was sent this 16th day of October, 1986 to Craig S. Garfield, Esquire, 4143 Patterson Avenue, Baltimore, Maryland 21215.

R. Frances O'Brien

R. FRANCES O'BRIEN
Assistant State's Attorney
for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
583-6610

STATE OF MARYLAND

*

IN THE CIRCUIT COURT

VS.

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FOR BALTIMORE COUNTY

ROY A. GUTZKE

*

CASE NO. 86-CR-5378

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SUMMONS FOR TANGIBLE EVIDENCE BEFORE TRIAL

Directed to: Greater Baltimore Medical Center
6701 North Charles Street
• Baltimore, Maryland 21204

to be and appear in the State's Attorney's Office for Baltimore County, before Sandra A. O'Connor, State's Attorney for Baltimore County, on November 10, 1986 at 10:00 a.m. and to produce at that time, pursuant to Rule 4-264 of the Maryland Rules of Procedure, a certified copy of all medical records pertaining to Keely Ann Braswell, W/F, d.o.b. 10/4/68, who was examined there on 9/12/86 by Dr. Rudiger Breiteneker.

In lieu of personally appearing in the State's Attorney's Office for Baltimore County, you may comply with this Summons by forwarding the requested information by mail directly to R. Frances O'Brien, Esquire, State's Attorney's Office for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204, by the above compliance date.

FILED OCT 28 1986

R. Frances O'Brien



STATE OF MARYLAND

VS.

ROY A. GUTZKE

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IN THE CIRCUIT COURT

FOR BALTIMORE COUNTY

CASE NO. 86-CR-5378

ORDER OF COURT

IT IS ORDERED this ____ day of October, 1986, by the Circuit Court for Baltimore County, that the Clerk of the Court issue a summons to the Custodian of Medical Records, Greater Baltimore Medical Center, 6701 N. Charles Street, Baltimore, Maryland 21204, to produce a certified copy of all medical records pertaining to Keely Ann Braswell, W/F, d.o.b. 10/4/68, who was examined there on 9/12/86 by Dr. Rudiger Breitenecker, M.D., at the time and place specified in the Summons attached hereto.

James T. Smith
JUDGE

Circuit Court for Baltimore County

RFO/mes

True Copy Test

ELMER H. KAHLINE, JR., Clerk

Per

Elg
Deputy Clerk

STATE OF MARYLAND

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IN THE

*

CIRCUIT COURT

vs.

*

FOR

ROY ALLEN GUTZKE

*

BALTIMORE COUNTY

Defendant

*

CRIMINAL NO.: 86CR7353

oOo

MOTION TO DISMISS

5373

The Defendant, Roy Allen Gutzke, by his attorneys, Cohen, Dwin & Garfield, P.A. and Craig S. Garfield moves this Court to dismiss the indictments and each and every Count contained therein, and for reasons states as follows;

1. That Counts 1, 4 and 5 are fatally defective in that they fail to properly and adequately allege an offense with sufficient accuracy and definiteness as to (i) inform the accused of what it is he is called upon to defend; (ii) protect him against a future prosecution for the same offense; (iii) enable the defendant to prepare for his trial; (iv) provide a basis for the Court to consider the legal sufficiency of the charging document; and (v) inform the Court of the specific crime charged, so that if required, sentence may be pronounced in accordance with the right of the case.

2. That Count 1 is fatally defective in that they charge the defendant with "abuse", a term defined statutorily in the disjunctive and thereby fail to characterize the particular conduct alleged to have been committed.


3. The Counts 1 and 5 fail to allege the age of Keely Ann Braswell. Such information is necessary to properly identify her as a child as statutorily defined in Article 27 § 35(a) of of the Annotated Code of Maryland.

FILED 1986 DEC 11 1986

4. That Count 5 is fatally defective in that they fail to allege the age of Keely Ann Braswell. Such information is necessary to constitute a violation of Article 464C(2)(3) of the Annotate Code of Maryland.

5. And for such other and further reasons as may be presented at the hearing on this Motion which is specifically requested.

WHEREFORE, the Defendant prays that this Honorable Court grant his Motion to Dismiss by issuing an Order dismissing Counts 1, 4 and 5 of the indictment in the above captioned case.


CRAIG S. GARFIELD
Cohen, Dwin & Garfield, P.A.
4143 Patterson Avenue
Baltimore, Maryland 21215
Phone: 358-0766
Attorney for Defendant

POINTS AND AUTHORITIES

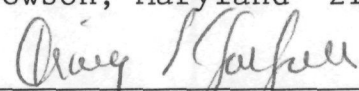
Points: As stated in the Motion.

Authorities: Maryland Rules of Procedure, Section 4-202

Hochheimer's Criminal Law, 2nd Edition, pgs 109-112, 117-118.
Ayre v. State, 291 Md. 155, 433 A.2d 1150 (1981).
State v. Canova, 278 Md. 483, 365 A.2d 988 (1976).
State v. Beers, 21 Md. App. 39, 218 A.2d 825 (1974).
Ayre v. State, 21 Md. App. 61, 318 A.2d 828 (1974).
Morrissey v. State, 9 Md. App. 470, 265 A.2d 585 (1970).
State v. Lassotovitch, 162 Md. 147, 159 A. 362 (1932).
Archer v. State, 145 Md. 128, 125 A. 744 (1924).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Motion to Dismiss was mailed, postage prepaid, this 9th day of December, 1986, to Francis O'Brien, Assistant State's Attorney for Baltimore County, 401 Bosley Avenue, Towson, Maryland 21204.


Craig S. Garfield

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs.

ROY ALLEN GUTZKE

Case No.

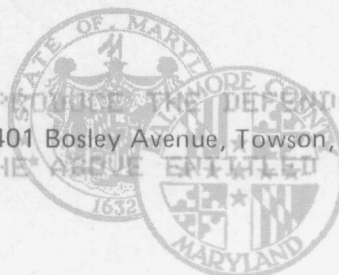
B6CR5373

State of Maryland, Baltimore County to wit:

TO: PAUL AND ROBIN ANN FARACE

1102 HART RD
TOWSON, MD 21204

You are hereby COMMANDED TO PRODUCE THE DEFENDANT before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 6, 1987 AT 09:15 A.M. FOR TRIAL OF THE ABOVE ENTITLED CASE.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs.

ROY ALLEN GUTZKE

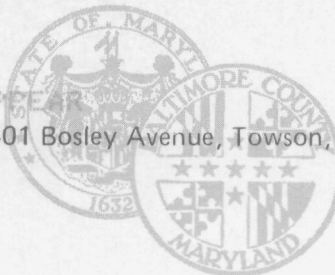
Case No.

86CR5373

State of Maryland, Baltimore County to wit:

TO: ROY ALLEN GUTZKE
1313 WARWICK DRIVE
TIMONIUM, MD 21093

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland,
ON JANUARY 6, 1987 AT
09:15 A.M. FOR TRIAL.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

SHERIFF

FEE: \$

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. ROY ALLEN GUTZKE

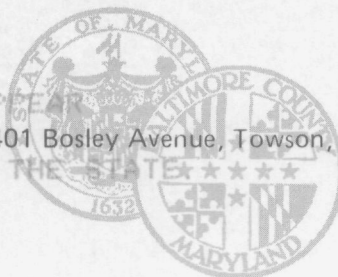
Case No. 86CR5373

State of Maryland, Baltimore County to wit:

C.C. NO. E911612
CITATION NO.

TO: PD PATRICIA A OCONNOR
3013
PC07

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 8, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE: \$

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs.

ROY ALLEN GUTZKE

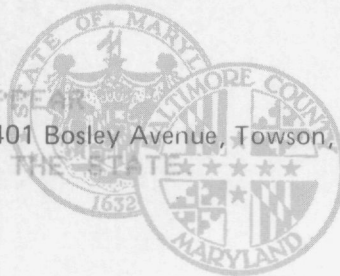
Case No. 86CR5373

State of Maryland, Baltimore County to wit:

C.C. NO. E911612
CITATION NO.

TO: PO LINDA G BURLESON
2507
YUTH

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland,
ON JANUARY 6, 1987 AT
09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Menseh

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE: \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

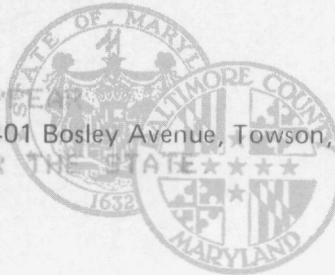
State of Maryland vs. ROY ALLEN GUTZKE

Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: DR R BREITENECKER
G. B. M. C.
6701 N. CHARLES ST
BALTIMORE, MD 21204

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 6, 1987 AT
09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE \$

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs.

ROY ALLEN GUTZKE

Case No.

86CR5373

State of Maryland, Baltimore County to wit:

TO:

DIANNA BRASWELL
1313 WARWICK DR

LUTHERVILLE, MD 21093

You are hereby

SUMMONED TO APPEAR

before the Judges of the Circuit Court for

Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland,

ON JANUARY 6, 1987 AT

09:15 A.M. TO TESTIFY FOR THE STATE

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued:

DECEMBER 24, 1986

Suzanne Mensch

SUZANNE MENSCH

Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE \$

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. ROY ALLEN GUTZKE

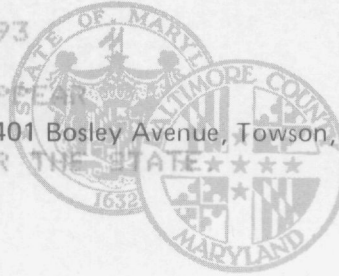
Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: KEELY BRASWELL
1313 WARWICK DR

LUTHERVILLE, MD 21093

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 8, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE \$

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs.

ROY ALLEN GUTZKE

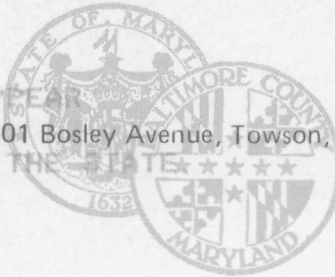
Case No. 86CR5373

State of Maryland, Baltimore County to wit:

C.C. NO. E911612
CITATION NO.

TO: PO PATRICIA A OCONNOR
3013
PC07

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 8, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE: \$

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. ROY ALLEN GUTZKE

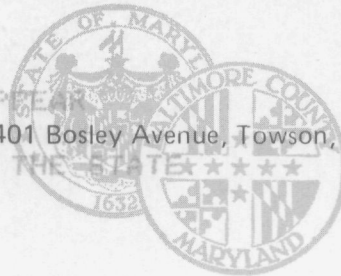
Case No. 86CR5373

State of Maryland, Baltimore County to wit:

C.C. NO. E911612
CITATION NO.

TO: PO LINDA G BURLESON
2507
YUTH

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland,
ON JANUARY 6, 1987 AT
09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

SHERIFF

FEE: \$

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

535 Denise

State of Maryland vs. ROY ALLEN GUTZKE

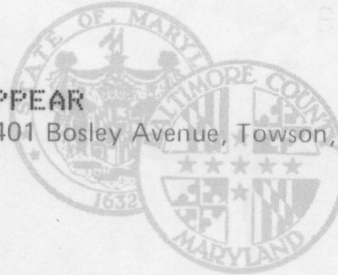
Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: ROY ALLEN GUTZKE
1313 WARWICK DRIVE
TIMONIUM, MD 21093

RECEIVED
1986 DEC 29 AM 11:16
SHERIFF'S OFFICE
BALTO. CO.

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 6, 1987 AT
09:15 A.M. FOR TRIAL.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 10-30-86

DATE SERVICE NOT MADE:

REASON:

John D. Malone
SHERIFF OF BALTO. CO., MD.

SHERIFF

FEE: \$ 15.00

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. ROY ALLEN GUTZKE

Case No. 86CR5373

State of Maryland, Baltimore County, to wit:

TO: DIANNA BRASWELL
1313 WARWICK DR

LUTHERVILLE, MD 21093

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 6, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986



Suzanne Menseh

SUZANNE MENSEH
Clerk, Circuit Court for Baltimore County

Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 10-30-86

DATE SERVICE NOT MADE:

REASON:

Edward Malone
SHERIFF OF BALTO. CO., MD

SHERIFF

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE \$

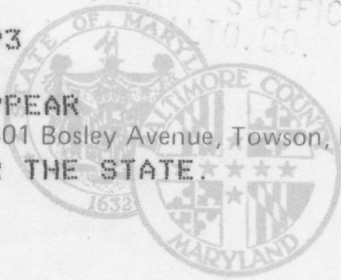
15.00

Amise
535

RECEIVED

1986 DEC 29 AM 11:16

SHERIFF'S OFFICE



WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

535 Denise

State of Maryland vs. ROY ALLEN GUTZKE

Case No. 86CR5373

State of Maryland, Baltimore County to wit:

RECEIVED

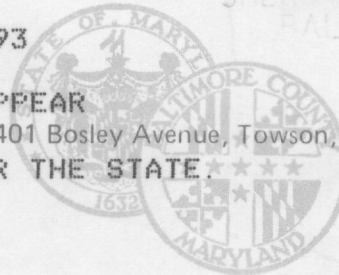
TO: KEELY BRASWELL
1313 WARWICK DR

1986 DEC 29 AM 11:16

SHERIFF'S OFFICE
BALTO. CO.

LUTHERVILLE, MD 21093

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 6, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE.

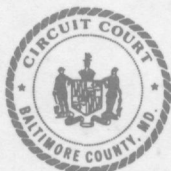


Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Mensh

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 10-30-86

DATE SERVICE NOT MADE:

REASON:

J. Edward Malone

SHERIFF

SHERIFF OF BALTO. CO., MD.

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE \$

15.00

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

535
Well

State of Maryland vs. ROY ALLEN GUTZKE

Case No. 86CR5373

State of Maryland, Baltimore County to wit:

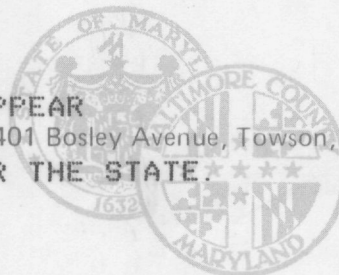
TO: DR R BREITENECKER
G. B. M. C.
6701 N. CHARLES ST
BALTIMORE, MD 21204

RECEIVED

1986 DEC 29 AM 11:16

SHERIFF'S OFFICE
BALTO. CO.

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 6, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Mensh
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 12-30-86

DATE SERVICE NOT MADE: _____

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

REASON: *Johnnie Malone*

SHERIFF

FEE \$ 15

SHERIFF OF BALTO. CO., MD.

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. ROY ALLEN GUTZKE

Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: PO PATRICIA A OCONNOR
3013
PC07

RECEIVED C.C. NO. E911612
1986 DEC 29 AM 11:16
CITATION NO.
SHERIFF'S OFFICE
BALTO. CO.

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 6, 1987 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Mensh
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED: 12-30-86

DATE SERVICE NOT MADE:

REASON:

Edward Malone
SHERIFF
SHERIFF OF BALTO. CO., MD.

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE: \$ 15-

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. ROY ALLEN GUTZKE

Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: PO PATRICIA A OCONNOR
3013
PC07

RECEIVED

C.C. NO. E911612
CITATION NO.

1986 DEC 29 AM 11:16

SHERIFF'S OFFICE
BALTO. CO.

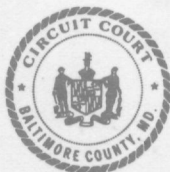
You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JANUARY 6, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: DECEMBER 24, 1986

Suzanne Mense

SUZANNE MENSEH
Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED: 12-30-86

DATE SERVICE NOT MADE:

REASON:

Edward Malone
SHERIFF
SHERIFF OF BALTO. CO., MD.

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE: \$ 15-

COURT CLERK'S WORK SHEET

TRIAL DATE 1-6-87 Judge EAD, J.

F. O'Brien

STATE'S ATTORNEY

R. Underwood

COURT REPORTER

C. Garfield

DEFENDANT'S ATTORNEY

Rich Arnold

CLERK

CASE # 86CR5373 NAME GUTZKE, Roy

CHARGE Child Abuse

TRIAL COURT JURY PLEA GUILTY NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL

GRANTED

OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL

GRANTED

OVERRULED

VERDICT: GUILTY ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balto. Co. Detention Center				

REMARKS Trial ppd by agreement of Counsel for Good Cause Shown.

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. **ROY ALLEN GUTZKE**

Case No. **86CR5373**

State of Maryland, Baltimore County to wit:

TO: **PO LINDA G BURLESON**
2507
YUTH

RECEIVED C.C. NO. E911612
 CITATION NO.

1986 DEC 29 AM 11:16
 SHERIFF'S OFFICE
 BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for
 Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **ON JANUARY 6, 1987 AT**
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: **DECEMBER 24, 1986**

Suzanne Mensch
 SUZANNE MENSCH
 Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 500 12-30-86

DATE SERVICE NOT MADE: _____

REASON: _____

Edward Malone SHERIFF
 SHERIFF OF BALTO. CO.

WITNESS INFORMATION AND
 ASSISTANCE
 STATE'S ATTORNEY'S OFFICE
 583-6650

FEE: \$ 15.00

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. **ROY ALLEN GUTZKE**

Case No. **86CR5373**

State of Maryland, Baltimore County to wit:

RECEIVED

C.C. NO. **E911612**
CITATION NO.

TO: **PO LINDA G BURLESON**
2507
YUTH

1986 DEC 29 AM 11:16

SHERIFF'S OFFICE
BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **ON JANUARY 6, 1987 AT**
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: **DECEMBER 24, 1986**

Suzanne Mensh

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 500 12-30-86

DATE SERVICE NOT MADE: _____

REASON: _____

Edward Malone

SHERIFF

SHERIFF OF BALTO. CO., MD.

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE: \$ 15.00

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Roy Allen Gutzke

Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: Craig S Garfield , Esquire

4143 Patterson Ave.
Baltimore, MD 21215

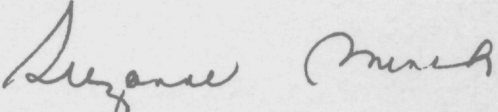
You are hereby NOTIFIED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on March 26, 1987 at 09:15 A.M. for the Trial of the above entitled case.

Any postponement of this date must be in accordance with MD. Rule 4-271.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: January 6, 1987




SUZANNE MENSEH
Clerk, Circuit Court for Baltimore County

Per Joan Mather Deputy
Criminal Assignment Commissioner
494-2694

CC: Fran Obrien, Esquire

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs.

Roy Allen Gutzke

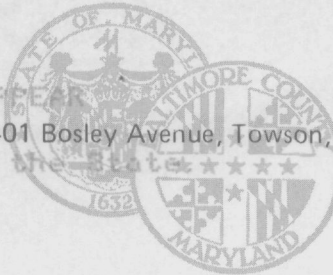
Case No. 86CR5373

State of Maryland, Baltimore County to wit:

C.C. NO. E911612
Citation No.

TO: PO Linda G Burleson
2507
YUTH

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on March 26, 1987 at 09:15 A.M. to TESTIFY for the State

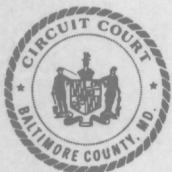


Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987

Suzanne Mense

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

WITNESS INFORMATION AND
ASSISTANCE
State's Attorney's Office
583-6650

SHERIFF

FEE: \$

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs.

Roy Allen Gutzke

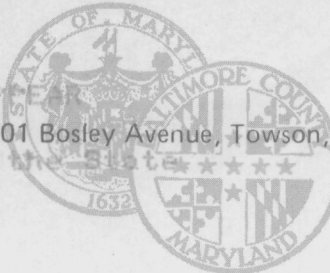
Case No. 86CR5373

State of Maryland, Baltimore County to wit:

C.C. NO. E911612
Citation No.

TO: PD Patricia A Oconnor
3013
PC07

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland,
09:15 A.M. to TESTIFY for the State on March 26, 1987 at



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

Per

Deputy

WITNESS INFORMATION AND
ASSISTANCE
State's Attorney's Office
583-6650

SHERIFF

FEE: \$

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs.

Roy Allen Gutzke

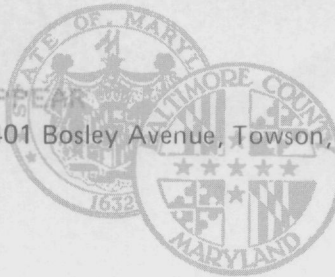
Case No.

86CR5373

State of Maryland, Baltimore County to wit:

TO: Roy Allen Gutzke
 1313 Warwick Drive
 Timonium, MD 21093

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
 Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on March 28, 1987 at
 09:15 A.M. for Trial.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

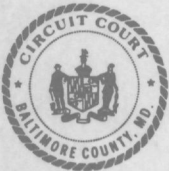
Issued:

March 11, 1987

Suzanne Mensch
 SUZANNE MENSCH
 Clerk, Circuit Court for Baltimore County

Per

Deputy



SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

SHERIFF

FEE: \$

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Roy Allen Gutzke

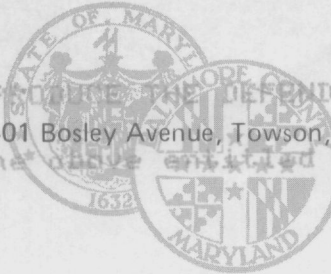
Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: Paul And Robin Ann Farace

1102 Hart Rd
Towson, MD 21204

You are hereby **COMMANDED TO PRODUCE THE DEFENDANT** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on March 26, 1987 at 09:15 A.M. for Trial of the above entitled case.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987

SUZANNE MENSEH
Clerk, Circuit Court for Baltimore County



Per

Deputy

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Roy Allen Gutzke

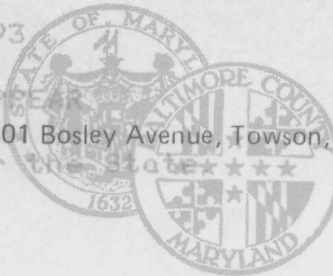
Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: Keely Braswell
1313 Warwick Dr

Lutherville, MD 21093

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on March 26, 1987 at 09:15 A.M. to TESTIFY for the State



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987

Suzanne Mensh
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

WITNESS INFORMATION AND
ASSISTANCE
State's Attorney's Office
583-6650

SHERIFF

FEE \$

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs.

Roy Allen Gutzke

Case No.

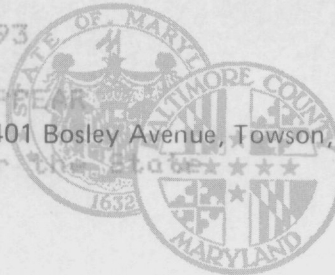
86CR5373

State of Maryland, Baltimore County to wit:

TO: Dianna Braswell
1313 Warwick Dr

Lutherville, MD 21093

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on March 26, 1987 at 09:15 A.M. to TESTIFY for the State



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

WITNESS INFORMATION AND ASSISTANCE
State's Attorney's Office
583-6650

SHERIFF

FEE \$

CIRCUIT COURT FOR BALTIMORE COUNTY

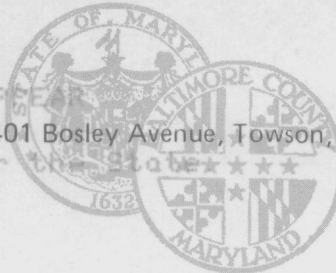
State of Maryland vs. Roy Allen Gutzke

Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: Dr R Breitenecker
 G. B. M. C.
 6701 N. Charles St
 Baltimore, MD 21204

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
 Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on March 26, 1987 at
 09:15 A.M. to TESTIFY for the State



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987

Suzanne Mensch
 SUZANNE MENSCH
 Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED:

DATE SERVICE NOT MADE:

REASON:

WITNESS INFORMATION AND
 ASSISTANCE
 State's Attorney's Office
 583-6650

SHERIFF

FEE \$

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

Conigan

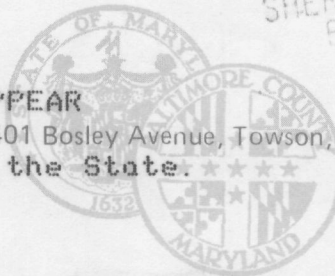
State of Maryland vs. Roy Allen Gutzke

Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: PO Patricia A Oconnor
3013
PC07RECEIVED
1987 MAR 11 AM 11:27
SHERIFF'S OFFICE
BALTO. CO.C.C. NO. E911612
Citation No.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for
 Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **on March 26, 1987 at**
09:15 A.M. to TESTIFY for the State.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987

Suzanne Mensch
 SUZANNE MENSCH
 Clerk, Circuit Court for Baltimore County



off March 24/87
3/11/87

Per

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND
 ASSISTANCE
 State's Attorney's Office
 583-6650

DATE SERVED: 3-11-87

DATE SERVICE NOT MADE: _____

REASON: *Edward Malone*

SHERIFF

FEE: \$

15-

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Roy Allen Gutzke

State of Maryland, Baltimore County to wit:

TO: Dr R Breitenecker
G. B. M. C.
6701 N. Charles St
Baltimore, MD 21204

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on March 26, 1987 at 09:15 A.M. to TESTIFY for the State.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987



Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County

Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 3/12/87

DATE SERVICE NOT MADE: _____

REASON: _____

Edward [Signature]
SHERIFF OF BALTO. CO. MD

SHERIFF

WITNESS INFORMATION AND ASSISTANCE
State's Attorney's Office
583-6650

FEE \$ 15

23
RECEIVED
MAR 11 AM 11:26
SHERIFF'S OFFICE
BALTO. CO.

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE, MD

2371 Henry

State of Maryland vs. Roy Allen Gutzke

Case No. 86CR5373

State of Maryland, Baltimore County to wit:

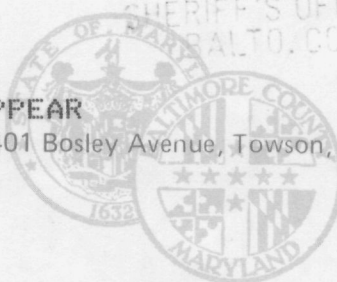
RECEIVED

TO: Roy Allen Gutzke
1313 Warwick Drive
Timonium, MD 21093

1987 MAR 11 AM 11:26

SHERIFF'S OFFICE
BALTIMORE CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **on March 26, 1987 at**
09:15 A.M. for Trial.

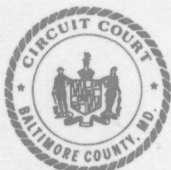


Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 3/13/87

DATE SERVICE NOT MADE: _____

REASON: _____

Edward Balne
SHERIFF OF BALTO. CO.

SHERIFF

FEE: \$ 15.00

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Roy Allen Gutzke

Case No.

86CR5373

State of Maryland, Baltimore County to wit:

TO: Dianna Braswell
1313 Warwick Dr

Lutherville, MD 21093

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on March 26, 1987 at 09:15 A.M. to TESTIFY for the State.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County

Per

Deputy



SHERIFF'S RETURN

DATE SERVED: 3/13/87

DATE SERVICE NOT MADE:

REASON:

John D. Palmer
SHERIFF OF BALTO. CO., MD.

SHERIFF

WITNESS INFORMATION AND ASSISTANCE
State's Attorney's Office
583-6650

FEE \$ 15.00

Henry
RECEIVED
MAR 11 AM 11:26
SHERIFF'S OFFICE
BALTO. CO.

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Roy Allen Gutzke

Case No. 86CR5373

State of Maryland, Baltimore County to wit:

TO: Keely Braswell
1313 Warwick Dr

Lutherville, MD 21093

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on March 26, 1987 at 09:15 A.M. to TESTIFY for the State.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987

Suzanne Mense
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 3/13/87

DATE SERVICE NOT MADE: _____

REASON

Richard K. Baker
SHERIFF OF BALTIMORE COUNTY, MD

SHERIFF

WITNESS INFORMATION AND ASSISTANCE
State's Attorney's Office
583-6650

FEE \$ 15.00

Henry 237
RECEIVED
BALTIMORE COUNTY
CLERK'S OFFICE
MARCH 11 AM 11:26

WITNESS SUMMONS

JUIT COURT FOR BALTIMORE COL

State of Maryland vs. Roy Allen Gutzke

Case No.

86CR5873

State of Maryland, Baltimore County to wit:

TO: PO Linda G Burleson
2507
YUTH

RECEIVED

1987 MAR 11 AM 11:27

SHERIFF'S OFFICE
BALTO. CO.

C.C. NO. E911612
Citation No.

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on March 26, 1987 at
09:15 A.M. to TESTIFY for the State.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 11, 1987



SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County

Per

Deputy

SHERIFF'S RETURN

DATE SERVED: 3-11-87

DATE SERVICE NOT MADE:

REASON:

WITNESS INFORMATION AND
ASSISTANCE
State's Attorney's Office
583-6650

SHERIFF

FEE: \$ 15

COURT CLERK'S WORK SHEET

TRIAL DATE 3/26/87 Judge Turnball II

F. Brien
STATE'S ATTORNEY

C. Garfield
DEFENDANT'S ATTORNEY

J. Gallagher
COURT REPORTER

for
CLERK

CASE # 86CR 5373 NAME Roy Guttyke

CHARGE child Abuse etc. 5cts.

TRIAL COURT JURY PLEA GUilty NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL

GRANTED OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL

GRANTED OVERRULED

VERDICT: GUILTY ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balto. Co. Detention Center				

REMARKS

Stet. Δ present
Δ waives rt to Speedy Trial
Δ Md Rule 4-271 in open Court
Δ to cont w/ Psycho therapy
for one year.

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.